

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LINDA MIGLIORI, *et al.*,

Plaintiffs,

v.

LEHIGH COUNTY BOARD OF ELECTIONS,

Defendant.

No. 5:22-cv-00397

**UNCONTESTED MOTION BY THE COMMONWEALTH OF PENNSYLVANIA
TO FILE AMICUS BRIEF IN SUPPORT OF PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT**

The Commonwealth of Pennsylvania respectfully moves to file the attached amicus curiae brief in support of the Plaintiffs' motion for summary judgment. No party objects to the Commonwealth's filing an amicus brief. No person or entity other than amicus and its counsel assisted in or made a monetary contribution to the preparation or submission of this brief.

District courts have "inherent authority" to permit amicus curiae to file briefs. *Liberty Resources, Inc. v. Philadelphia Housing Authority*, 395 F. Supp. 2d 206, 209 (E.D. Pa. 2005) (citing *Avellino v. Herron*, 991 F. Supp. 3d 730, 732 (E.D. Pa. 1998)). Courts frequently welcome amicus briefs "where an issue of general public interest is at stake" or where amicus briefs "will ensure a complete and plenary presentation of difficult issues." *Id.* (internal quotations omitted). Here, the legal issues have profound ramifications for the general public interest, and the Commonwealth of Pennsylvania can provide context for the relevance of the specific information at issue in this case. Additionally, the Commonwealth has an interest in conclusively and properly resolving whether undated ballots should be counted and included in a county's election results. That interest derives from the Commonwealth's interest in seeing that

all its political subdivisions lawfully exercise their authority. Similarly, the Commonwealth has an interest in ensuring that voters and election officials have clarity about the proper administration of Pennsylvania elections and that the declared winner of any election is the candidate who received the most lawfully cast votes.

For the reasons above, the Commonwealth's motion for leave to file the proposed amicus brief should be granted.

February 17, 2022

Respectfully submitted,

JOSH SHAPIRO
Attorney General
Commonwealth of Pennsylvania

/s/ Michael J. Fischer

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LOCAL RULE 7.1(b) CERTIFICATION

In accordance with Local Rule 7.1(b), I hereby certify that the above motion is
uncontested.

/s/ *Michael J. Fischer*

Michael J. Fischer